



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Christopher B. Coleman,
Mayor

Agenda

September 19, 2014
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair

Barbara A. Wencil

First Vice Chair

Elizabeth Reveal

Second Vice Chair

Paula Merrigan

Secretary

Daniel Ward II

I. Approval of minutes of September 5, 2014.

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

OLD BUSINESS

#14-316-218 Cash-N-Pawn – Expansion of a nonconforming use for a pawn shop. 490 University Avenue West, SE corner of University Avenue and Mackubin. (*Hilary Holmes, 651/266-6612*)

NEW BUSINESS

#14-316-675 Flint Hills Resources Pine Bend – Conditional use permit for construction of two asphalt emulsion storage tanks not elevated on fill above regulatory flood protection elevation. 2209 Childs Road, terminus of Childs Road. (*Josh Williams, 651/266-6659*)

#14-322-163 Ford Plant Demolition – Modification of the hours of operation for the demolition work at the Ford Motor plant site to allow some activities on Saturday. 966 Mississippi River Blvd. South. (*Tom Beach, 651/266-9086*)

#14-321-546 Pawn America Minnesota – Conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions. 1891 Suburban Avenue. (*Bill Dermody, 651/266-6617*)

V. Comprehensive Planning Committee

Metropolitan Council's Housing Policy Plan – Approve resolution recommending to the Mayor draft City of Saint Paul comments to be sent under the Mayor's signature. (*Jamie Radel, 651/266-6614*)

Pat Connolly
Daniel Edgerton
Gene Gelgelu
Anne DeJoy
William Lindeke
Kyle Makarios
Melanie McMahon
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Padilla
Betsy Reveal
Emily Shively
Terri Thao
Wendy Underwood
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

VI. Transportation Committee

Transportation Policy Plan 2040 – Approve resolution recommending to the Mayor draft City of Saint Paul comments to be sent under the Mayor's signature.
(Michelle Beaulieu, 651/266-6620)

VII. Snelling-University TOD Redevelopment Strategy: Urban Investment Group Findings and Recommendations – Informational Presentation by Donna Drummond, PED. (Donna Drummond, 651/266-6556)

VIII. Neighborhood Planning Committee

IX. Communications Committee

X. Task Force/Liaison Reports

XI. Old Business

XII. New Business

XIII. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission
MASTER MEETING CALENDAR**

WEEK OF SEPTEMBER 15-19, 2014

Mon (15) _____

Tues (16) _____

3:30- Comprehensive Planning Committee
5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)

13th Floor – CHA
25 Fourth Street West

Minor Zoning Text Amendments to B, T, and I District Uses and Standards, Land Use Standards, and Driveway Setback Requirements. *(Jamie Radel 651/266-6614)*

Weds (17) _____

Thurs (18) _____

Fri (19) _____

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

OLD BUSINESS

#14-316-218 Cash-N-Pawn – Expansion of a nonconforming use for a pawn shop. 490 University Avenue West, SE corner of University Avenue and Mackubin.
(Hilary Holmes, 651/266-6612)

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(Josh Williams, 651/266-6659)

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#14-321-546 Pawn America Minnesota – Conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions. 1891 Suburban Avenue. (*Bill Dermody, 651/266-6617*)

Comprehensive Planning

Committee..... Metropolitan Council's Housing Policy Plan – Approve resolution recommending to the Mayor draft City of Saint Paul comments to be sent under the Mayor's signature. (*Jamie Radel, 651/266-6614*)

Transportation Committee..... Transportation Policy Plan 2040 – Approve resolution recommending to the Mayor draft City of Saint Paul comments to be sent under the Mayor's signature. (*Michelle Beaulieu, 651/266-6620*)

Informational Presentation... Snelling-University TOD Redevelopment Strategy: Urban Investment Group Findings and Recommendations – Informational Presentation by Donna Drummond, PED. (*Donna Drummond, 651/266-6556*)

**The Planning Commission
minutes from the meeting
on Friday,
September 5, 2014
are not available at this
time.**



Sonja Butler



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

**Tuesday, September 16, 2014
2nd Floor Conference Room
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	JAC Apprentice Training Facility 835 Pierce Butler Route 14,000 square foot addition to existing union/training facility

Applicants should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

FOR THE FULL ZONING COMMITTEE AGENDA SECTION

of this packet go to the link below:

<http://stpaul.gov/index.aspx?NID=3436>

Thank you

Sonja Butler

Planning Commission Secretary/Office Assistant IV

1400 City Hall Annex

25 Fourth Street West

Saint Paul, MN 55102

651-266-6573



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: September 12, 2014
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of September 11, 2014 Zoning Committee Hearing

OLD BUSINESS

1. **Cash-N-Pawn (14-316-218)**
Expansion of a nonconforming use for a pawn shop

Address: 490 University Ave W
SE corner of University Avenue and
Mackubin

District Comment: District 8 recommended denial

Support: 0 people spoke, 0 letters

Opposition: 0 people spoke , 1 letter

Hearing: closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
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Approval with conditions	Approval with conditions (7 - 0)
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NEW BUSINESS

2. **Flint Hills Resources Pine Bend (14-316-675)**
Conditional use permit for construction of two asphalt emulsion storage tanks not elevated on fill above the regulatory flood protection elevation

Address: 2209 Childs Road

District Comment: District 1 made no recommendation

Support: 0 people spoke, 0 letters

Opposition: 1 person spoke , 1 letter

Hearing: closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
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Approval with conditions	Approval with conditions (7 - 0)
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		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
3.	Ford plant demolition - request to amend hours of operation (14-322-163) Modification of the hours of operation for the demolition work at the Ford Motor plant site to allow some activities on Saturday Address: 966 Mississippi River Blvd S District Comment: District 15 made no recommendation Support: 0 people spoke, 1 letter and 1 letter with concerns Opposition: 1 person spoke , 0 letters Hearing: closed Motion: Approval with conditions	Approval with conditions	Approval with conditions (6 - 0 - 1) (Edgerton abstained)
		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
4.	Pawn America Minnesota (14-321-546) Conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions Address: 1891 Suburban Ave District Comment: District 1 made no recommendation Support: 0 people spoke, 1 letter Opposition: 1 person spoke , 2 letters Hearing: closed Motion: Lay over to September 25, 2014	Approval with conditions	Laid Over (5 - 2) (Makarios and Padilla)

city of saint paul
planning commission resolution
file number
date

WHEREAS, Cash-N-Pawn International LTD, File # 14-316-218, has applied for an expansion of a nonconforming use for a pawn shop under the provisions of §62.109(d) of the Saint Paul Legislative Code, on property located at 490 University Ave W, Parcel Identification Number (PIN) 362923310138, legally described as Mackubin and Marshalls Addition Ex Ave; Lots 13, 14 and 15, Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 28, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant, Cash-N-Pawn International Ltd, has applied for an expansion of a nonconforming use for a pawn shop at 490 University Avenue. The building that the pawn shop occupies has two retail spaces, one of which the pawn shop occupies. The adjacent retail space was previously occupied by a laundromat and is currently vacant. The pawn shop intends to use this space for storage for the existing retail use.
2. Section 62.109(d) *Expansion or relocation of nonconforming use states that the planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:*
 1. *In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units.* The pawn shop is located in a T2 traditional neighborhood district. This finding does not apply.
 2. *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.* The application does not propose expansion of the building structure. This finding does not apply.
 3. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* The pawn shop is located on University Avenue, a mixed-use corridor. Commercial and retail uses are adjacent to the property directly to the east, across Mackubin to the west, and across University Avenue to the north. The pawn shop storage will occupy the commercial space previously used by the laundromat. The windows will have some transparency to maintain an active storefront on University Avenue. There are no exterior changes proposed to the

moved by _____
seconded by _____
in favor _____
against _____

- property. The appearance of the expansion will be compatible with the adjacent property and neighborhood. This finding is met.
4. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* There is no minimum parking requirement within one-quarter mile of University Avenue. This finding is met.
 5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* Rezoning this property would result in spot zoning. This finding is met.
 6. *After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* University Avenue is an historic commercial corridor that is home to a mix of residential, commercial, retail, office, small-scale industry, institutional, and open space uses. The pawn shop will maintain an active storefront along the entire façade along University Avenue with some transparency in the windows. Expansion of the pawn shop use into the adjacent laundromat space will not be detrimental to the existing character of development. The expansion will not endanger the public health, safety, or general welfare. This finding is met.
 7. *The use is consistent with the comprehensive plan.* The Comprehensive Plan Land Use Chapter defines (LU 1.20) Mixed Use Corridors as primary throughfares in the city that include areas where two or more of the following uses could be located: residential, commercial, retail, office, small scale industry, institutional, and open space. These uses may be within a building or in buildings that are in close proximity to each other. University Avenue is identified as a Mixed Use Corridor (LU-B). The Western Station Area Plan (2010) addresses the mixed-use commercial activity along this stretch of University Avenue (4.1.2). The retail use is consistent with the Comprehensive Plan. This finding is met.
 8. *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.* This finding is met. The petition was found sufficient on August 5, 2014: 8 parcels eligible; 6 parcels required; 6 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Cash-N-Pawn International LTD for an expansion of a nonconforming use pawn shop at 490 University Ave W is hereby approved with the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. The windows fronting University Avenue shall be transparent and accommodate window displays but shall not be blocked by signage (temporary or otherwise), decals, paint or additional tinting.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Flint Hills Resources Pine Bend, LLC, File # 14-316-675, has applied for a conditional use permit for construction of two asphalt emulsion storage tanks not elevated on fill above the regulatory flood protection elevation under the provisions of §§61.501, 72.32, and 72.74 of the Saint Paul Legislative Code, on property located at 2209 Childs Road, Parcel Identification Number (PIN) 092822140001, legally described as Port Authority Plat No 3 Subj To Esmts Lot 5 And Ex Sly 140 Ft Lot 6 Blk 5; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 11, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application proposes to install two additional asphalt emulsion storage tanks below the regulatory flood protection elevation, with ancillary piping and support structures. There are currently 12 tanks in the array to which the proposed tanks would added, in addition to 18 other tanks elsewhere on the site.
2. The tanks will be constructed on and anchored to a concrete pad. They will be certified as meeting the FP-2 dry floodproofing standards. Tanks will be located within an existing secondary spill containment area. The site as a whole is protected by a flood berm.
3. §72.74 lists standards for conditional uses in the FF flood fringe district. Subsections (a) through (d) are applicable to the proposed project:
 - (a) *Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls or above grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: 1) the enclosed area is above grade on at least one (1) side of the structure; 2) is designed to internally flood and is constructed with flood-resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:*
 - (1) *Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent*

moved by _____

seconded by _____

in favor _____

against _____

floodwater from entering or accumulating within these components during times of flooding.

- (2) Specific standards for above grade, enclosed areas. Above grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:
 - a. A minimum area of "automatic" openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of intervention.
 - b. That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the Minnesota State Building Code and shall be used solely for building access, parking of vehicles or storage.
- (b) Basements, as defined in §72.14, shall be subject to the following:
 - (1) Residential basement construction shall not be allowed below the regulatory flood protection elevation except as authorized in subsection (e) of this section.
 - (2) Nonresidential basements may be allowed below the regulatory flood-protection elevation, provided the basement is protected in accordance with subsection (c) or (e) of this section.
- (c) All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the Minnesota State Building Code. This shall require making the structure watertight, with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.
- (d) The storage or processing of materials that are, in times of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission, or if elevated above the regulatory flood protection elevation by alternative methods which meet the requirements of subsection (a) above. Storage of bulk materials may be allowed provided an erosion/sedimentation control plan is submitted which clearly specifies methods to be used to stabilize the materials on site for a regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the planning commission.
- (e) When the Federal Emergency Management Agency has issued a letter of map revision-fill (LOMR-F) for vacant parcels of land elevated by fill to the one (1) percent chance flood elevation, the area elevated by fill remains subject to the provisions of this chapter. A structure may be placed on the area elevated by fill with the lowest floor below the regulatory flood protection elevation provided the structure meets the following provisions:
 - (1) No floor level or portion of a structure that is below the regulatory flood protection elevation shall be used as habitable space or for storage of any property, materials, or equipment that might constitute a safety hazard when contacted by floodwaters. Habitable space shall be defined as any space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage rooms,

laundry or utility space, and similar areas are not considered habitable space.

- (2) *For residential and nonresidential structures, the basement floor may be placed below the regulatory flood protection elevation subject to the following standards:*
- a. *The top of the immediate floor above any basement area shall be placed at or above the regulatory flood protection elevation..*
 - b. *Any area of the structure placed below the regulatory flood protection elevation shall meet the "reasonably safe from flooding" standards in the Federal Emergency Management Agency (FEMA) publication entitled "Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding," Technical Bulletin 10-01, a copy of which is hereby adopted by reference and made part of this chapter. In accordance with the provisions of this chapter, and specifically section 72.33(g), the applicant shall submit documentation that the structure is designed and built in accordance with either the "Simplified Approach" or "Engineered Basement Option" found in FEMA Technical Bulletin 10-01.*
 - c. *If the ground surrounding the lowest adjacent grade to the structure is not at or above the regulatory flood protection elevation, then any portion of the structure that is below the regulatory flood protection elevation must be floodproofed consistent with any of the FP-1 through FP-4 floodproofing classifications found in the Minnesota State Building Code.*

These standards can be met. The application states that the tanks will be floodproofed in accordance with the FP-2 floodproofing classifications of the Minnesota State Building Code. As a condition of approval, the applicant should provide building and foundation plans and record of as-built condition for the tanks signed by a registered professional engineer or architect and verifying consistency with the requirements of §72.74(a)(1). Asphalt, in liquid form, is flammable and can be hazardous to human, animal and plant life. The applicant has submitted a flood response plan which includes measures taken in times of flooding to remove or render nonhazardous all asphalt on site. Adherence to the flood response plan in times of flooding should be a condition of approval.

4. §72.32 lists thirteen (13) factors to be considered in evaluating applications for conditional use permits in the FF flood fringe district:

- (a) *The relationship of the proposed use to the comprehensive plan and floodplain management program for the city.* Subject to meeting the standards listed in §72.74, this proposed use is in compliance with the Saint Paul Comprehensive Plan and the city's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Childs Road industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed additions are to an existing facility located in a large industrial area, and will not significantly alter river valley views. The area where the tanks are proposed to be installed is screened along the river by a berm and vegetation.

The project will not significantly impact air quality, and subject to adherence to the flood response plan and storm water pollution prevention plan (SWPPP) required as part of site plan approval and on file with the Department of Safety and Inspections, the project will not have a significant adverse impact on water quality. The site is permitted by the Minnesota pollution Control Agency (MPCA) as a major aboveground storage tank facility. Adherence to the flood response plan, SWPPP, and MPCA permit terms should be a condition of approval.

- (b) *The importance of the services provided by the proposed facility to the community.* The proposed facilities will put industrial land to use. The primary importance of the facility to the community is economic activity and tax base.

- (c) *The ability of the existing topography, soils, and geology to support and accommodate the proposed use.* The topography, soils, and geology of the site are similar to those of the general Child Roads industrial area, and are sufficient to support and accommodate the proposed use.
- (d) *The compatibility of the proposed use with existing characteristics of biologic and other natural communities.* The area of the proposed use is industrial in character, and does not contain significant biological communities; impacts of the proposed use will not extend beyond the immediate area.
- (e) *The proposed water supply and sanitation systems and the ability of those to prevent disease, contamination, and unsanitary conditions.* The area is already served by adequate water supply and sanitation systems. The proposed addition will not create significant additional demand for water supply or sanitation capability.
- (f) *The requirements of the facility for a river-dependent location, if applicable.* Operations at the applicant's facility located at the subject property have in the past but do not currently require a river location. Policy 5.2.1 of the river corridor chapter of the comprehensive plan states that the Barge Terminal #1 area, where the subject property is located, will remain one of the City's principal river port terminals, and expresses support for the Saint Paul Port Authority's (SPPA) policy of replacing non-river related businesses with river related businesses as leases expire in river port terminal areas. The SPPA renewed the applicant's lease of the subject property in 2013. The terms of the renewed lease authorize use of a portion of the subject property and existing pier on the property by other SPPA clients as needed in the future.
- (g) *The safety of access to the property for ordinary vehicles.* Safe access to the site is available via Childs Road.
- (h) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.* The proposed tanks will be built to floodproofing specifications of the Minnesota State Building Code. In times of flooding, the tanks' contents could either be pumped out or cooled to allow it to solidify, with the tanks then being filled to its maximum capacity with water to offset buoyant forces; the tanks would be isolated (valves closed) but remain connected to piping, with empty pipelines filled with water to at least one (1) foot above the expected flood crest.
- (i) *The dangers to life and property due to increased flood heights or velocities caused by encroachments.* The proposed encroachments are of limited footprint and located in the flood fringe where impacts on flood flows are negligible.
- (j) *The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.* The proposed facility is located in the flood fringe, where the velocity of flood flow is generally minimal.
- (k) *The danger that materials may be swept onto other lands or downstream to the injury of others.* The proposed facility will be located in the flood fringe, where water velocities are generally minimal. The tanks will be sit atop a reinforced concrete foundation.
- (l) *The availability of alternative locations or configurations for the proposed use.* The tanks are most feasibly located adjacent to the existing tanks and associated piping infrastructure.
- (m) *Such other factors as are relevant to the purposes of this chapter.* The factors and findings enumerated and described herein adequately evaluate the proposed use for the purposes of this chapter.

5. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint*

Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. Subject to meeting the standards listed in §72.74, this proposed use is in compliance with the Saint Paul Comprehensive Plan and the city's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Childs Road industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed additions are to an existing facility in an existing industrial area, and will not significantly alter river valley views. The project will not significantly impact air quality, and subject to the requirements of a flood response plan and a storm water pollution prevention plan required as part of site plan approval, the project will not have a significant adverse impact on water quality.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed facility will be served by Childs Road. The use is not expected to generate additional traffic.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed facility is consistent with the existing industrial character of the immediate neighborhood.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is industrial in nature, and will not impeded improvement of surrounding properties for allowed uses.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met. Subject to adherence to the flood response plan and SWPPP required as part of site plan approval and on file with the Department of Safety and Inspections, the use conforms to all applicable regulations of the I2 general industrial district, RC2 river corridor district, and the FF flood fringe district. Adherence to the flood response plan and SWPPP should be a condition of approval.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Flint Hills Resources Pine Bend, LLC for a conditional use permit for construction of two asphalt emulsion storage tanks not elevated on fill above the regulatory flood protection elevation at 2209 Childs Road is hereby approved subject to the following additional conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. At or prior to building permit review, the tanks must be certified by a registered professional engineer or architect as consistent with the standards of §72.74 regarding flood proofing and structure design.
3. After construction, the applicant shall submit to the zoning administrator the required elevation certification certifying the as-built elevation of the tank, and as-built plans certified by a registered professional engineer or architect as consistent with the requirements of §72. 74 regarding flood proofing and structure design.
4. The applicant shall obtain any other governmental approvals that may be required.
5. The applicant shall adhere to all provisions of the MPCA permit and the flood response plan and SWPPP on file with the Department of Safety and Inspections.

Tom Dimond
2119 Skyway Drive
Saint Paul, MN 55119

August 18, 2014

RE: 2209 Childs Road - Proposal to build 150,000 gallons of asphalt emulsion storage tanks on the shore of the Mississippi River

The proposal to build 2 - 75,000 gallon (150,000 gallons) of asphalt emulsion storage tanks on the shore and in the floodplain of the Mississippi River is not in conformance with the Saint Paul Mississippi River Corridor Plan. This proposal is not in conformance with the MNRRA objective that riverfront industrial sites should be occupied by river-related businesses that meet environmental standards. River-related land uses are those with an economic or operational need for a river location. The proposal should be turned down because it does not conform with the Comprehensive Plan or should be set for a public hearing before the full Planning Commission. The site plan must be part of the review and public hearing by the Planning Commission.

The Mississippi River Corridor is a protected State Critical Area. The Mississippi River Corridor is a National Park (MNRRA). The proposal is not in conformance with plans and regulations put in place to protect this valuable resource. The City of Saint Paul and the MN DNR have a responsibility to ensure the plans and protections are followed.

Mississippi River Corridor Plan 5.1.1 New development in the floodplain or within 300 feet of the ordinary high water mark should have a relationship to the river, a need for a river location, and/or should enhance the river environment. In addition, new development should not hinder implementation of existing Plans, and in all other respects should be consistent with the goals and policies of the Comprehensive plan. Criteria for approval of development include:

- * having an economic or operational need for a river location
- * supporting the attractiveness of surrounding neighborhoods
- * sustaining the economic vitality of riverfront improvements
- * offering public access to and along the river
- * maintaining views of the river
- * cleaning up polluted areas on the site
- * meeting or exceeding applicable natural resource policies in this Plan

Policy 5.2.1 states that the City concurs with the objective that riverfront industrial sites should be occupied by river-related businesses that meet environmental standards. River-related land uses are those with an economic or operational need for a river location. The policy also supports the Port

Authority policy of replacing non-river related businesses with river related businesses when leases expire. In 2002, the facility had been listed as a river-related industry but the conditional use application Page 2 indicates the barge dock is in caretaker status with the United States Corps of Engineers. According to the information in the application the facility non-river related business. Expansion of a non-conformity is not in compliance with the Comprehensive Plan. Storage of chemicals on the shore of the river that have no relationship with the river is not appropriate. Chemicals that are trucked or shipped by rails should not be stored in a floodplain on the shore of the river.

Policy 5.1.4 states that the City encourages screening of industrial development with native vegetation wherever appropriate to minimize it's visibility from the river or the opposite shoreline. The application does not show any vegetative screening along the shore.

Policy 5.1.3 states that modifications or additions to industrial uses in the river corridor should only be approved when they do not substantially impair the visual character of the corridor from the river itself. The application does not show any vegetative screening proposed to screen the storage of 150,000 gallons of asphalt emulsion on the shore of the river. It also does not explain why we should risk a possible leak in the National Park on the shore of the Mississippi River when the asphalt does not require a location on the river.

Policy 4.2.4 states the City will support efforts to restore the shoreline to a more natural character within 100 feet of the river and calls for the removal of unused docking facilities. The application does not show any vegetative screening or removal of the unused docking facility.

The Executive Order calls for providing access to the river and the Great River Plan calls for providing access along Childs Road to the river. The application does not show any public access to the river.

The zoning code requires the planning commission find that expansion of nonconforming use is consistent with the comprehensive plan and the appearance will be compatible with the adjacent property (river). As stated above, the application is not consistent with the comprehensive plan or provisions for screening industrial uses from the river.

The Saint Paul Mississippi River Corridor Plan on pages 5 and 6 state:

- * Saint Paul is rediscovering and redefining its relationship with the Mississippi River. Increased environmental stewardship and establishing connections to the river are central to this rediscovery.

- * Along the riverfront and its floodplain, new development should have a relationship to the river, a need for a river location, or the capability to enhance the river environment. The application is not in compliance with the requirements.

Building 150,000 gallons of asphalt emulsion storage on the shore of the river is not in conformity. The material is shipped in and out by truck or rail. This facility can be located outside the river corridor. Reducing the amount of truck traffic in the river corridor enhances the experience for trail and open space visitors and reduces pollution within the National Park. Saint Paul has cleaned up and redeveloped petroleum product storage sites along Shepard Road in the River Corridor.

The Planning Commission must consider both the site plan and conditional use permit in conjunction with a public hearing. The site plan must not be approved without a public hearing.

The MN DNR should be aware of how Critical Area applications, that are not consistent with the adopted comprehensive plan and zoning code, are handled. This is a real life example that could help inform how Draft Rules need to be written to ensure protection of the resource.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Devon Industrial Group, File # 14-322-163, has submitted a request under the provisions of Sec. 61.400 of the Saint Paul Legislative Code, to modify condition 12 of Planning Commission resolution 12-82 (File 12-2105553) limiting hours of decommissioning activities at the Ford Plant located at 966 Mississippi River Blvd S, legally described as Auditors Subdivision No 87 All Of Lot 1 Blk 1 & That Part Of Lot 3 Blk 1 Lying Nly Of A 7 Course Line Desc In Doc No# 2087758 All In Ford Motor Co First Add & In Sd Aud Sub No 87 The Fol Ex N 500 Ft Of W 328 Ft Of The E 999.4 Ft Meas From El Of Sec 17 Tn; and

WHEREAS, the Zoning Committee of the Planning Commission, on 9/11/14, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings as required under the provisions of §61.402(c):

1. In December 2013, the Planning Commission approved a site plan for decommissioning of the Ford plant, including removal of all of the buildings and most of the paving. (See attached resolution.) No one testified in opposition to the site plan. At that time it was assumed that these activities would have little or no impacts on area property owners and residents. But to minimize any possible impacts, including dust and noise, the Planning Commission placed the following condition on their approval of the site plan:

"All decommissioning related activity must be limited to the hours of 7:00AM to 6:00 PM Monday through Friday. Truck traffic entering or exiting the site must be limited to 8:00 AM to 4:00 PM Monday through Friday. No decommissioning related activity or truck traffic is permitted outside of these hours or on Saturday or Sunday. This is consistent with the hours proposed by Ford in their application."

2. Decommissioning activities have been underway since mid-2013.

In that time, all of the buildings have been demolished down to the floor slabs and rail, ties along with ballast have been removed, areas of asphalt have been broken up and removed, sediment control measures have been initiated, areas of concrete slabs have been broken up and removed, and abate asbestos has begun. Work will continue on asbestos abatement, breaking up and removing concrete slabs. Work will start on removing foundations, pits and trenches, crushing concrete, filling shafts, grading and seeding the site. Crushing concrete on-site was permitted as part of the site plan approved by the Planning Commission and the applicant's current request includes concrete crushing on Saturdays. Crushing would be done in the center of the site. Based on the City's experience in the past with other on-site concrete crushing operations, it is not anticipated that dust or noise will impact nearby properties or residents.

moved by _____
seconded by _____
in favor _____
against _____

3. The City has not received any complaints about the decommissioning activities.
4. Devon Industries is requesting that the hours of most decommissioning activities be extended to include Saturdays from 7:00 AM to 6:00 PM. Specifically, their request says:

"The activities that would be performed on a Saturday would be a continuation of demolition work taking place during the Monday thru Friday time frame. Examples of work to include actions and activities included in the original application such as soil excavation and grading, removing of concrete slabs and foundations. However, as a courtesy, the start of any extraneous activities, such as concrete thumping and hammering would not start on a Saturday until after 9:00 AM."

"There is no request to modify the hours of truck traffic which would remain Monday through Friday 8:00 to 4:00 PM."

"This request is being made to maintain the overall project schedule, which is a shared goal of Ford Motor Company and the City of Saint Paul. A risk that may impact the project timing includes a winter shut down being proposed by the contractor due to the fact that excavating in winter conditions is not productive."

The applicant stated that decommissioning activities may not occur every Saturday. However, the applicant wants the flexibility to work on Saturdays when needed to maintain the project schedule.
5. A condition that permits some decommissioning activities on Saturdays as requested by the applicant is sufficient "to fulfill the spirit and purpose of the zoning code, to ensure compliance, and to protect adjacent properties" as required by Section 61.107.

It is also consistent with "protection of adjacent and neighboring properties" and ensuring that "abutting property and/or its occupants [are not] unreasonably affected" as required by Section 61.402.c.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Devon Industrial Group to modify condition 12 of Planning Commission resolution 12-82 (File 12-2105553) limiting hours of decommissioning activities at the Ford Plant located at 966 Mississippi River Blvd S is hereby approved and the condition is modified to limit hours as follows:

"All decommissioning related activity must be limited to the hours of 7:00AM to 6:00 PM Monday through Saturday. Truck traffic entering or exiting the site must be limited to 8:00 AM to 4:00 PM Monday through Friday. The start of any extraneous activities, such as concrete crushing, thumping and hammering must not start on Saturday until after 9:00 AM. No decommissioning related activity or truck traffic is permitted outside of these hours or on Sunday."

Beach, Tom (CI-StPaul)

From: Steve Masih <masih.steve@gmail.com>
Sent: Sunday, August 31, 2014 11:45 AM
To: Beach, Tom (CI-StPaul)
Subject: Ford Plant Hours Expansion 14-322163

Tom,

My wife and I will be unavailable for the public hearing, but wanted to comment.

We would be in favor of the requested expansion of hours worked on the property to include Saturdays from 7am to 6pm with the EXCEPTION of on-site concrete or rock crushing (or similar operation).

Feel free to contact us if clarification is required.

Thank you.

Steve Masih
masih.steve@gmail.com
612.859.8611

Beach, Tom (CI-StPaul)

From: Kathy Carruth <hdc@visi.com>
Sent: Tuesday, September 02, 2014 9:47 AM
To: Beach, Tom (CI-StPaul)
Cc: Amy Salmela
Subject: Input on Ford

Tom,

I had a call from a Victor Vital at 1034 Cleveland Ave South. He is in support of letting Ford change their hours and wanted to make sure we knew that.

He also chastised me for not holding a meeting in Highland, but rather downtown, when it really impacts people in Highland and there are plenty of good places to meet.

Just wanted to pass along the comments I have received:)

Hope you have a good day.

Kathy

--

Kathy Carruth
Executive Director
Highland District Council
651.695.4005
hdc@visi.com
www.highlanddistrictcouncil.org
Like Us On Facebook! Highland District Council
<="" a="">

UPDATED

ZONING COMMITTEE STAFF REPORT

FILE # 14-321-546

1. **FILE NAME:** Pawn America Minnesota
2. **APPLICANT:** Pawn America MN LLC/Payday America Inc. **HEARING DATE:** September 11, 2014
3. **TYPE OF APPLICATION:** Conditional Use Permit
4. **LOCATION:** 1891 Suburban Ave
5. **PIN & LEGAL DESCRIPTION:** 352922330009, Registered Land Survey 276 Subj To Rds; Tract C
6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B3
7. **ZONING CODE REFERENCE:** §65.511, §65.531, §61.501, §61.502, §66.421
8. **STAFF REPORT DATE:** September 4, 2014 Updated September 11, 2014 * **BY:** Bill Dermody
9. **DATE RECEIVED:** August 20, 2014 **60-DAY DEADLINE FOR ACTION:** October 19, 2014

-
- A. **PURPOSE:** Conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions
 - B. **PARCEL SIZE:** 210,395 square feet (4.83 acres)
 - C. **EXISTING LAND USE:** C-Retail
 - D. **SURROUNDING LAND USE:**
North: Interstate 94
East: Commercial (T2)
South: Wetland, with residential beyond (R2)
West: Commercial (B2)
 - E. **ZONING CODE CITATION:** §65.511 lists conditions for alternative financial establishments; §65.531 lists conditions for pawn shops; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings; §66.421 lists permitted and conditional uses in business districts including B3.
 - F. **HISTORY/DISCUSSION:** In 2009, the Board of Zoning Appeals granted a variance for the auto dealership that formerly occupied the site to permit a freestanding pylon sign with electronic display within 660 feet of another electronic message sign (ZF# 09-305-725), but the decision was overturned by the City Council on appeal in January 2010 (ZF# 09-330-789). The site received conditional use permit (CUP) approval in 2011 for a pawn shop (ZF# 11-103-193), conditional on purchase and closure of an alternative financial establishment, Piggy Bank, located 1,053 feet away (rather than the required 1,320 feet). Conditions also prohibited the pawn shop to face Suburban Avenue and limited its hours to 10 a.m. to 7 p.m. Monday through Saturday and noon to 6 p.m. Sunday. Alongside the 2011 pawn shop CUP, the applicant also received CUPs for an auto specialty store (ZF# 11-112-696) and two fast-food restaurant with drive-throughs (ZF#s 11-112-697, 11-112-698) on the site as part of a master development. In 2012, after the master development did not come to fruition and the site was sold, the Planning Commission approved a modification of the pawn shop CUP conditions requested by the new owners to allow the building to face Suburban Avenue (ZF# 12-064-233). The pawn shop is currently open for business and the alternative financial establishment located 1,053 feet away has been closed.
 - G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council has reviewed the application and is not taking a position.
 - H. **FINDINGS:**
 1. The application requests a conditional use permit approval for an alternative financial establishment and a pawn shop within the existing building at 1891 Suburban Avenue. The application also requests modification of special conditions as detailed below. The pawn shop is currently open for business at the subject site under the 2012 conditional use permit. The result of the subject application, if approved, is that the pawn shop and an alternative financial establishment could co-locate within the subject building. The pawn shop, which is limited by its 2012 CUP to hours of 10am to 7pm Monday through Saturday and noon to 6pm on Sunday, is requested to remain open an additional hour (to 8pm) Monday through Saturday.

2. The subject building contains two businesses with separate customer entrances: Pawn America (southern entrance) and PA Exchange (northern entrance). The alternative financial establishment is proposed to be located in the Pawn America portion of the building. The alternative financial establishment transactions would occur at several of the teller windows currently used for pawn transactions in front of the store. The PA Exchange business is a second-hand goods store that does not offer loans or other financial services.
3. §65.511 defines alternative financial establishment and provides standards and conditions that must be satisfied to permit the use, as follows:
 - a. *The alternative financial establishment shall be located at least 150 feet from any lot in a residential district or lot occupied with a one-, two-, or multiple-family dwelling, measured in a straight line from the closest point of the building in which the business is or is to be located to the closest point of the residential property line.* This finding is met. Property located across Suburban Avenue with the residential zoning designation of R2 is located 150.16 feet to the southwest, according to the measurement used in the 2011 pawn shop CUP. Said property is owned by Ramsey County Parks & Recreation Department and is technically a "lot in a residential district" since a "lot" is a "parcel of land... utilized for the principal use and uses accessory thereto", in this case the use being a park. The nearest such lot with residential uses upon it is located approximately 440 feet to the southeast.
 - b. *No alternative financial establishment shall be located within 2,640 feet of another alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding can be met. The nearest alternative financial establishment, Payday America, is located approximately 2,070 feet to the west at 1696 Suburban Avenue. Payday America is a separate but affiliated company of Pawn America. The application proposes moving Payday America out of the 1696 Suburban Ave. location and into the subject location. Provided that another alternative financial establishment does not move into 1696 Suburban Ave., the 2,640 foot separation requirement would be satisfied.
 - c. *No alternative financial establishment shall be located within 1,320 feet of any pawn shop, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding is not met due to the proposed co-location of a pawn shop and alternative financial establishment in the same building, but is the subject of a requested modification addressed below.
4. §65.531 defines pawn shop and provides standards and conditions that must be satisfied to permit the use, as follows:
 - a. *The business shall be conducted within a completely enclosed building.* This finding is met. The business is proposed to be conducted within a completely enclosed building.
 - b. *The building in which the business is located shall be at least 150 feet from the closest point of any residentially zoned property; provided, however, that this condition may be modified pursuant to Sec. 61.500 subject to the following conditions:*
 - i. *There is no existing pawn shop within 5,280 feet of the proposed location, measured from the nearest building wall of the existing pawn shop to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.*
 - ii. *Customer entrances shall not be oriented toward residentially zoned property. Customer parking shall not be closer to residentially zoned property than the primary entrance.*
 - iii. *The location of a pawn shop at this location will not be contrary to any adopted district plan or other city program for neighborhood conservation or improvement, either residential or nonresidential.*
 - iv. *The proposed use meets all other requirements for conditional use permits provided in Sec. 61.500.*

This finding is met. The building is located 150.16 feet from the nearest residentially zoned property according to the measurement used in the 2011 CUP:

- c) *No pawn shop shall be located within 1,320 feet of any alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding is not met due to the proposed co-location of a pawn shop and alternative financial establishment in the same building, but is the subject of a requested modification addressed below.

5. §61.501 lists five standards that all conditional uses must satisfy:

- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan in Figure LU-B designates the site as part of both a Neighborhood Center and a Mixed Use Corridor, which call for a variety of commercial uses such as proposed. The District 1 Plan contains no provisions specific to this application. The Sun-Ray Suburban Small Area Plan encourages businesses that appeal to the demographics of the residents and a mix of locally owned and national retailers.
- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ingress and egress is provided by the existing driveway to Suburban Avenue.
- c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. In approving Zoning Code amendments associated with the Currency Exchange Zoning Study in 2010, the Planning Commission and City Council added the separation requirement between pawn shops and alternative financial establishments based in part on the concept that both businesses have a similar effect on the public health, safety, morals, and general welfare, potentially creating a negative impression regarding the economic vitality of a commercial district and the surrounding community when such businesses are clustered in an area or along an arterial street. However, in this instance, with a single customer entrance for both pawn shop and alternative financial establishments, there is no change to the impression presented to passersby on Suburban Ave., and therefore no detrimental impact on the neighborhood or endangerment of the public health, safety, morals, or general welfare. Recommended limits on hours of operation, outdoor sales or displays, firearms sales, and adult materials sales, as well as requirements for trash removal, further ensure that the proposed use will not be detrimental to the area. A recommended restriction on signage facing Suburban Avenue ensures that any negative impression of economic vitality in this area is limited.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed use does not expand the building or alter the site layout, and will not impede surrounding development. Recommended signage restrictions would help ensure that the use does not impede normal and orderly development of the adjacent vacant land.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. Except for separation requirements addressed herein, the requested use conforms to B3 regulations.
6. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure, and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The strict application of the requirement to separate the

pawn shop and alternative financial establishments rather than housing them in a single building is unreasonably limiting in this case where they would effectively function as a single business. As noted in Finding 75(c), the intent of the separation requirement between pawn shops and alternative financial establishments is preserved, and there is no additional negative impact on the health, morals, and general welfare of the community. The proposal is consistent with reasonable enjoyment of adjacent property.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions, subject to the following additional conditions:
1. Substantial compliance with the plans and exhibits submitted as part of this application.
 2. The pawn shop and alternative financial establishment uses must be located in the same portion of the building and served by a single customer entrance. Neither use may be located in the portion of the building dedicated to PA Exchange without separate conditional use permit application and approval.
 3. The alternative financial establishment use is not permitted at the subject site until the existing alternative financial establishment use at 1696 Suburban Ave. is closed and loses its legal nonconforming status at that location.
 4. The hours of the pawn shop shall be no greater than 10am through 8pm Monday through Saturday and noon through 6pm on Sunday.
 5. No outdoor sales or outdoor displays of merchandise are approved for retail uses on this site.
 6. Firearms and adult materials shall not be bought, sold, or pawned at the pawn shop.
 7. The applicant shall participate in and oversee the Come Clean trash removal program for the parcel in its entirety.
 8. Signage on-site must not vary from the strict provisions of the zoning code, and should strictly conform to the restrictions outline in the SunRay-Suburban Avenue Plan. Free-standing signage which includes the name of the pawn shop must also include signage for at least two additional businesses not located within the subject building, and the names of each business on such signs must occupy substantially similar square footages, and utilize substantially similar materials and lighting methods. No signage may be placed on the south side of the building facing Suburban Avenue.

586135

2012 CUP

Document# 2179616
Certified Filed On 07/17/2012 1000
Registrar of Titles, Ramsey County, MN
Certificate# 586135
2.1.3 727901

CITY OF SAINT PAUL, MINNESOTA
(Conditional Use Permit)

ZONING FILE NO: 12-064-233
APPLICANT: First & First LLC
PURPOSE: Modification of condition in previously approved pawn shop permit (Zoning File #11-103-193) that the pawn shop not face Suburban Avenue
LOCATION: 1891 Suburban Ave
LEGAL DESCRIPTION: PIN 352922330009, Registered Land Survey 276 Subj To Rds; Tract C
ZONING COMMITTEE ACTION: Recommended approval with conditions
PLANNING COMMISSION ACTION: Approved on June 29, 2012

CONDITIONS OF THIS PERMIT: Conditions specified in Sec. 65.531 and the following additional conditions:
1. No outdoor sales or outdoor displays of merchandise are approved for retail uses on this site;
2. Customer parking shall be located consistent with Section 63.200, as determined by site plan review;
3. The hours of the pawn shop shall be no greater than 10am through 7pm Monday through Saturday and noon through 6pm on Sunday;
4. Firearms and adult materials shall not be bought, sold or pawned at the pawn shop;
5. The applicant shall participate in and oversee the Come Clean trash removal program for the parcel in its entirety;
6. The pawn shop shall comprise no more than 8,500 square feet within a single building on-site;
7. Signage on-site must not vary from the strict provisions of the zoning code, and should strictly conform to the restrictions outlined in the SunRay-Suburban Avenue Plan. Free-standing signage which includes the name of the pawn shop must also include signage for at least two additional businesses, and the names of each business on such signs must occupy substantially similar square footages, and utilize substantially similar materials and lighting methods. No signage may be placed on the south side of the building facing Suburban Avenue; and
8. The separation requirement shall be met by purchase and closure by the applicant of the nearby alternative financial institution (Piggy Bank).

APPROVED BY: Barbara Wencil, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on June 29, 2012, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire two years from the date of approval of the original conditional use permit Z.F. 11-103-193, April 15, 2011, if the use herein permitted is not established, subject to administrative extension not to exceed one year (§ 61.105). If one of the following occurs, the use herein permitted shall automatically expire: the use is established but subsequently is discontinued for 365 days or is replaced by another use, the lot area is reduced, or as otherwise provided in § 61.505.

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.

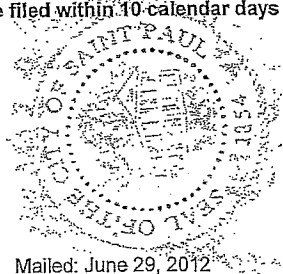
Violation of the conditions of this permit may result in its revocation.

Samantha Langer
Samantha Langer
Secretary to the Saint Paul
Zoning Committee

Copies to:
Applicant - First and First
File No. 12-064-233

License Inspector
District Council 1

Mailed: June 29, 2012



2011 CUP

CITY OF SAINT PAUL, MINNESOTA
(Conditional Use Permit)

ZONING FILE NO: 11-103-193
APPLICANT: Red Dog Holdings LLC
PURPOSE: Conditional Use Permit for a pawn shop with modification of separation requirement between a pawn shop and an alternative financial establishment (1053.5 ft. existing, 1320 ft. required)
LOCATION: 1891 Suburban Ave
LEGAL DESCRIPTION: PIN 352922330009, Registered Land Survey 276 Subj To Rds; Tract C
ZONING COMMITTEE ACTION: Recommended denial
PLANNING COMMISSION ACTION: Approved with conditions on April 15, 2011

CONDITIONS OF THIS PERMIT: Conditions specified in Sec. 65.531 and the following additional conditions:

1. No outdoor sales or outdoor displays of merchandise are approved for retail uses on this site;
2. Customer parking shall be located consistent with Section 63.200, as determined by site plan review;
3. The pawn shop shall not face Suburban Avenue;
4. The hours of the pawn shop shall be no greater than 10am through 7pm Monday through Saturday and noon through 6pm on Sunday;
5. Firearms shall not be bought, sold or pawned at the pawn shop;
6. The applicant shall participate in and oversee the Come Clean trash removal program for the parcel in its entirety;
7. The pawn shop shall comprise no more than 8,500 square feet within a single building on-site;
8. Signage on-site must not vary from the strict provisions of the zoning code, and should strictly conform to the restrictions outlined in the *SunRay-Suburban Avenue Plan*. Free-standing signage which includes the name of the pawn shop must also include signage for at least two additional businesses, and the names of each business on such signs must occupy substantially similar square footages, and utilize substantially similar materials and lighting methods; and
9. The modification of the separation requirement of the pawn shop from the nearby alternative financial institution shall be valid only if the entire site is developed as a multi-use center as proposed in the application and depicted in a site plan approved by the City. Should the site not be developed substantially in conformance with an approved site plan within two years, the modification of the separation requirement shall be void, and the pawn shop shall either locate elsewhere on the site where it conforms to the 1320 ft. separation requirement or, alternately, cease operations on the site.

APPROVED BY: Jon Commers, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on April 15, 2011, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (§ 61.105). If one of the following occurs, the use herein permitted shall automatically expire: the use is established but subsequently is discontinued for 365 days or is replaced by another use, the lot area is reduced, or as otherwise provided in § 65.505.

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.**

Violation of the conditions of this permit may result in its revocation.

Samantha Langer
Secretary to the Saint Paul
Zoning Committee

Copies to:

Applicant

Red Dog Holdings LLC

District Council

1

File No.

11-103-193

License Inspector

Christine Rozek

Mailed:

April 19, 2011



ZONING AMENDMENT

City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

Legislation Details (With Text)

File #: Ord 10-33 **Version:** 1 **Name:** Currency Exchange Zoning Amendments
Type: Ordinance **Status:** Passed
In control: City Council
Final action: 10/27/2010

Title: Final Adoption - An ordinance amending Chapters 65 and 66 of the Saint Paul Legislative Code regarding currency exchanges and alternative financial establishments. (Old No. 10-1118)

Sponsors: Dave Thune

Indexes: Alternative financial establishment, Currency exchange, Pawn shop, Zoning

Code sections: Sec. 65.511. - Business sales and services., Sec. 65.512. - Currency exchange., Sec. 65.531. - Pawn shop., Sec. 66.421. - Principal uses., Sec. 66.521. - Principal uses.

Attachments: Table 66.421.pdf, Table 66.521.pdf, Planning Commission actions.pdf, PC- Currency Exchange Zoning Study.pdf, Correspondence: District 1 E-mail

Date	Ver.	Action By	Action	Result
11/15/2010	1	Mayor's Office	Signed	
10/27/2010	1	City Council	Adopted	Pass

Title

Final Adoption - An ordinance amending Chapters 65 and 66 of the Saint Paul Legislative Code regarding currency exchanges and alternative financial establishments. (Old No. 10-1118)

Body

WHEREAS, City Council Resolution 09-1349, adopted December 9, 2009, and City Council Ordinance 09-1386, adopted January 13, 2010, enacted a moratorium on the establishment of any new currency exchanges or industrial loan and thrifts in the City based upon the Council's findings and rationale for the moratorium: that businesses that cash negotiable instruments for a fee are being established within existing businesses, including pawn shops, and are therefore locating where they would not otherwise be permitted by the City as a conditional or permitted use; that these new businesses have been established and operated where they would not otherwise be permitted under the City's present zoning regulations under the auspices of a certificate of authorization issued by the State of Minnesota to operate a business known as an industrial loan and thrift; that these certificates of authorization are being used as a subterfuge to establish what are, in fact, currency exchanges; that the state-issued certificates further permit these businesses to make secured and unsecured consumer loans, including pay day loans; that businesses established in this manner are contrary to the zoning code and detrimental to the public health, welfare, and safety; and that the City's zoning regulations for these types of businesses and pawn shops are not coordinated; and

WHEREAS, Resolution 09-1349 and Ordinance 09-1386 directed the Saint Paul Planning and Economic Development (PED) department to conduct a study of the effectiveness of current zoning regulations regarding these uses before December 8, 2010 when the moratorium is set to expire; and

WHEREAS, a public hearing before the City Council having been conducted on October 20, 2010, at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the amendments; NOW THEREFORE,

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN:

Section 1

That Legislative Code Chapter 65 Zoning Code entitled Land Use Definitions and Development Standards is hereby amended as follows:

Sec. 65.51465.512. Business sales and services.

Sec. 65.51265.511. Currency Exchange ~~Alternative financial establishment.~~

Currency Exchange, as defined in Minnesota Statutes section 53A.01, means any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or travelers' checks for a fee. A person, firm, association, corporation or partnership engaged in the business or service of check-cashing or making loans to be repaid in one lump sum or in installments over a set period of time, either collateralized or not, for which there is a fee or service charge, or interest received, including but not limited to loans collateralized by personal check, payroll check, wage assignment or personal property title, or collateralized with the promise to relinquish possession of any personal property upon default. Alternative financial establishment includes but is not limited to consumer small loan companies, currency exchanges, industrial loan and thrifts, and regulated loan companies, as defined and licensed by the Minnesota Department of Commerce. Alternative financial establishment does not include federal or state chartered banks, credit unions, or savings banks, nor does it "Currency Exchange" does not include a person, firm, association, corporation or partnership that provides the service of cashing checks, drafts, money orders, or travelers checks for a fee, incidental to the person's primary business, if and the charge for cashing a check or draft does not exceed one dollar (\$1.00) or one (1) percent of the value of the check or draft, whichever is greater.

Standards and conditions:

- (a) The currency exchange ~~alternative financial establishment~~ business shall be located at least one hundred -fifty (150) (400) feet from any lot in a residential district or lot occupied with a one-, two-, or multiple-family dwelling, measured in a straight line from the closest point of the building in which the business is or is to be located to the closest point of the residential property line.
- (b) No alternative financial establishment shall be located within (2,640) feet of another alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.
- (c) No alternative financial establishment shall be located within (1320) feet of any pawnshop, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.

Sec. 65.531. Pawn shop

- (c) No pawn shop shall be located within (1320) feet of any alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.

Section 2

That Legislative Code Chapter 66 Zoning Code - Zoning District Uses, Density and Dimensional Standards is hereby amended as follows:

Table 66.421. Principal Uses in Business Districts

[Insert Attachment 1: Table 66.421 here]

Table 66.521. Principal Uses in Industrial Districts

[Insert Attachment 2: Table 66.521 here]

Section 3

That the basis for this ordinance shall be for the reasons originally set forth in Council File Nos 09-1349 and 09-1386 as well as the staff report and the report of the planning commission, all of which are incorporated herein by reference but omitted for the purpose of brevity.

Section 4

This ordinance shall become effective thirty days after its passage, approval, and publication.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6562
Facsimile: 651-228-3314*

Date: August 24, 2010
To: Comprehensive Planning Committee
From: Ryan Kelley ryan.kelley@ci.stpaul.mn.us 651.266.6562
 Patricia James patricia.james@ci.stpaul.mn.us 651.266.6639
RE: **Currency Exchange Zoning Study**

Introduction

City Council Resolution 09-1349, adopted December 9, 2009, directed Saint Paul Planning and Economic Development (PED) to conduct a study regarding the zoning of currency exchanges after the City Council became aware of businesses similar to currency exchanges circumventing Saint Paul Municipal Code §381 and Zoning Code §65.512 by obtaining other state financial licenses. This resolution was enacted as an interim regulation placing a moratorium on the establishment of any new currency exchanges in the City.

City Council Ordinance 09-1386 was adopted January 13, 2010, enacting the moratorium on the issuance of any building or zoning permit or approval to open a currency exchange or industrial loan and thrift within the city. This ordinance directed PED to conduct a zoning study to determine whether the City's existing zoning regulations are adequate to regulate these uses and whether it is necessary to adopt new regulations. The moratorium will expire on December 8, 2010.

Regulatory Background

Currency Exchanges are defined in Minnesota Statute §53A. A zoning study regarding currency exchanges was completed in 1995. This study was in response to a 1992 change in the state statute implementing the procedure of notifying municipalities in which these businesses were applying for a license, thereby placing the decision for permission or denial with the city. The separation requirement of one-half mile between currency exchanges was also added to the statute at this time. The resulting zoning amendment also added a distance requirement of 100 feet between currency exchanges and residential districts or residential dwellings.

The city council passed ordinance 09-1386 in response to the discovery that businesses with operations similar to currency exchanges were obtaining an industrial loan and thrift license, which is not regulated by any City ordinance. This license allows a business to provide currency exchange services as well as provide loans, including loans often referred to as "payday loans". Businesses licensed as industrial loan and thrifts may also make larger loans, up to \$100,000, with regular payment plans similar to products provided by a federally chartered bank or savings institution.

Having identified the businesses that were obtaining industrial loan and thrift licenses, it was discovered that Saint Paul currently had no regulations regarding the establishment of payday loan lenders. Department of Commerce licenses were researched to determine what other licenses allowed either payday lending or currency exchange operations. Consumer small loan and regulated loan licenses were identified as licenses that could allow a business to operate as a payday loan lender.

Research Findings

The primary source of information for this study was provided by the Planning Advisory Service of the American Planning Association. The information consisted of reports regarding the operations of currency exchanges and “payday loan” lenders. There were also numerous examples of zoning regulations and ordinances from cities throughout the country. The Center for Responsible Lending was also used for data regarding “payday lending” in Minnesota.

In many of the research reports and zoning code examples, payday lenders and currency exchanges were regulated in the same ordinance. Such businesses are broadly referred to as “alternative financial establishments” in some codes; therefore this study includes such businesses for the proposed amendments to the zoning code.

Payday lenders typically offer small consumer loans, or payday loans, of amounts that range from \$100 to \$500. The full amount of the loan plus interest is typically due on the borrower’s next payday. The loans are typically secured by the borrower’s personal check or some form of electronic access to the borrower’s bank account. Because the lender has access to the customer’s financial account, they ensure that they get paid first, even if the person has other bills that must be met. This leads to the customer taking out another “payday loan” and a cyclical process of repeat loans begins.

Customers of these establishments typically do not have an account with a chartered and regulated financial institution such as a bank, credit union, or savings and loan corporation, or they may have a checking account at one of these institutions, but not qualify for that institution’s services such as short term loans. Nationally, the average “payday” loan amount is \$325¹, and in Minnesota the average is \$331². Finance charges are generally calculated as a fee per hundred dollars borrowed and is usually \$15 to \$30 per \$100 borrowed. In Minnesota these loans have a maximum APR on a two-week \$100 loan of 391%.¹ “American payday loan borrowers renew their loan an average of 8 times before being able to pay off the loan in full, consequently paying over \$800 for the original \$325 loan”.¹ Total payday loan volume in Minnesota for 2009 was \$76.5 million with \$58.1 million from renewed or rollover loans and \$17.2 million from payday lending fees paid annually.²

According to other cities identified in the information received from the Planning Advisory Service, these businesses have the potential to be harmful to the public welfare with respect to potential effects on the quality, aesthetics and functional aspects of the community. These cities have found that alternative financial establishments may be attractive to criminals

¹ Griffith, Hilton, Drysdale: Controlling the Growth of Payday Lending Through Local Ordinances and Resolutions. March 2010.

² Center for Responsible Lending. April 2010. www.responsiblelending.org/mortgage-lending/tools-resources/factsheets

seeking to commit robberies. Additionally, it has been found that when these businesses are clustered in an area or along an arterial street, this concentration creates a negative impression regarding the economic vitality of a commercial district and the surrounding community.

One of the six initiatives stated in the Economic Development Strategy, as described in the Introduction chapter of the Saint Paul Comprehensive Plan is business attraction. A proliferation of alternative financial establishments could have a negative impact on attracting a variety of new businesses.

With the increased potential for crime and the potential deleterious effects on the economic vitality of surrounding areas, limitations on the location of alternative financial establishments is consistent with the Saint Paul Comprehensive Plan and the general intent of the Saint Paul Zoning Code, especially "To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community."

Staff Recommendation

1. The current zoning code is specific only to currency exchanges and therefore does not regulate any of the other identified business types established under Department of Commerce licenses, some of which can operate in the same manner as currency exchanges. Staff recommends the following Zoning Code text amendments, with a broader use category and definition to include these other financial establishments, so as to fully realize the intent of the code to regulate such businesses. Consistency with pawnshop regulations was employed as these businesses have similar business operations and have been found to have similar effects on the public health, safety, and welfare.
2. The required public hearing on these amendments can be held by the City Council. Staff recommends that the Planning Commission review the draft amendments and make its recommendation to the City Council without a separate Planning Commission public hearing so that the City Council can take action on the amendments before the moratorium expires.
3. The existing state statute for currency exchanges specifies that the Department of Commerce must notify the local governing body when an application for a currency exchange license is made. The local government then has 60 days to review the request, hold a public hearing, and notify the Department if the application is approved or not. The Department may not approve a currency exchange license without the concurrence of the local governing body. There is no similar statutory provision for the other types of financial establishments proposed to be included in the amendments, which presents an administrative and enforcement issue for local regulation of these uses. Staff therefore also recommends that the Mayor and City Council work with the city's legislative delegation to add a similar provision to the statutes governing consumer small loan, industrial loan and thrift, and regulated loan establishments.

Proposed Zoning Text Amendments

1. That Sections 65.511 and 65.512 be amended as follows:

Sec. ~~65.511~~ 65.512. Business sales and services.

Sec. ~~65.512~~ 65.511. Currency Exchange Alternative financial establishment.

~~Currency Exchange, as defined in Minnesota Statutes section 53A.01, means any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or travelers' checks for a fee. A person, firm, association, corporation or partnership engaged in the business or service of check-cashing or making loans to be repaid in one lump sum or in installments over a set period of time, either collateralized or not, for which there is a fee or service charge, or interest received, including but not limited to loans collateralized by personal check, payroll check, wage assignment or personal property title, or collateralized with the promise to relinquish possession of any personal property upon default. Alternative financial establishment includes but is not limited to consumer small loan companies, currency exchanges, industrial loan and thrifts, and regulated loan companies, as defined and licensed by the Minnesota Department of Commerce. Alternative financial establishment does not include federal or state chartered banks, credit unions, or savings banks, nor does it "Currency Exchange" does not include a person or firm that provides the service of cashing checks, drafts, money orders, or travelers' checks for a fee, incidental to the person's primary business, if the charge for cashing a check or draft does not exceed one dollar (\$1.00) or one (1) percent of the value of the check or draft, whichever is greater.~~

[This change is to encompass the various businesses operating in similar practice as currency exchanges. The new definition is more comprehensive to include the various business practices potentially engaged in by these establishments, and may be more effective in regulating such businesses by identifying the business practice and not just a Department of Commerce license]

Standards and conditions:

- (a) ~~The currency exchange alternative financial establishment business shall be located at least one hundred-fifty (150) (100) feet from any lot in a residential district or lot occupied with a one-, two-, or multiple-family dwelling, measured in a straight line from the closest point of the building in which the business is or is to be located to the closest point of the residential property line.~~
- (b) ~~No alternative financial establishment shall be located within (2,640) feet of another alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.~~
- (c) ~~No alternative financial establishment shall be located within (1320) feet from any pawnshop, liquor store, gun shop as defined in Saint Paul Code §65.520, drug treatment facility, transitional housing, sober house, community residential facility, grade K-12 school, or house of worship.~~

[The distance of (150) feet is consistent with the current zoning regulation regarding pawn shops. Since these uses have similar impacts on commercial areas, it makes sense for both of them to have the same distance requirement. The distance of (2,640) feet is consistent with the Commerce Department regulation regarding currency exchanges. The 1320 ft. distance between these establishments and other uses provides enough distance between businesses to address the issue of clustering while still permitting a variety of alternative locations.]

2. That Table 66.421 be amended as follows:

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
...								
Retail Sales and Services								
General retail		P	P	P	P	P	P	
<u>Alternative financial establishment</u>					C	P	P	✓
Bank, credit union	P	P	P	P	P	P	P	
Business sales and services					P	P	P	
Currency exchange					C	P	P	✓

3. That Table 66.521 be amended as follows:

Table 66.521. Principal Uses in Industrial Districts

Use	IR	I1	I2	I3	Development Standards
...					
Retail Sales and Services					
General retail	P	P	P		
<u>Alternative financial establishment</u>		C	P		✓
Bank, credit union	P	P	P		
Business sales and services	P	P	P		
Currency exchange		P	P		✓

[Making this use a conditional use in the I1 district is consistent with the treatment of pawn shops.]

APPENDIX I

Existing Regulations for Currency Exchanges

Minnesota Statute

State statute §53A governs currency exchanges within Minnesota. The definition of a currency exchange is as follows:

53A.01 DEFINITIONS.

Subdivision 1. Currency exchange. "Currency exchange" means any person, except a bank, trust company, savings bank, savings association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee. "Currency exchange" does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed \$1 or one percent of the value of the check or draft, whichever is greater.

The licensing and approval for the establishment of currency exchanges is as follows:

53A.02 LICENSE.

Subdivision 1. Requirement.

A person may not engage in the business of a currency exchange without first obtaining a license from the commissioner. Not more than one place of business may be operated under the same license, but the commissioner may issue more than one license to the same licensee upon compliance by the applicant with all the provisions of this chapter for each new license issued.

Subd. 2. Distance limitation.

No license may be issued or renewed under this chapter if the place of business to be operated under the license is located or proposed to be located within one-half mile of another licensed currency exchange. The distance limitation imposed by this subdivision is measured by a straight line from the closest points of the closest structures involved.

Subd. 3. Prohibition.

A licensee may not contract with another person or business entity to manage the currency exchange business. This subdivision does not prohibit the licensee from employing persons to operate a currency exchange facility.

The statute further stipulates that the approval or denial of the license is determined by the municipality in which the business is proposed to be located.

53A.04 APPROVAL OR DENIAL OF AN APPLICATION.

(a) Within 30 days after the receipt of a complete application, the commissioner shall deny the application or submit the application to the governing body of the local unit

of government in which the applicant is located or is proposing to be located. The commissioner may not approve the application without the concurrence of the governing body. The governing body shall give published notice of its intention to consider the issue and shall solicit testimony from interested persons, including those in the community in which the applicant is located or is proposing to be located. If the governing body has not approved or disapproved the issue within 60 days of receipt of the application, concurrence is presumed. The commissioner must approve or disapprove the application within 30 days from receiving the decision of the governing body. The governing body shall have the sole responsibility for its decision. The state shall have no responsibility for that decision.

(b) If the application is denied, the commissioner shall send by mail notice of the denial and the reason for the denial to the applicant at the address contained in the application. If an application is denied, the applicant may, within 30 days of receiving the notice of a denial, request a contested case hearing pursuant to chapter 14; provided that if the denial is based upon the refusal of the governing body to concur the governing body must afford the applicant a hearing. The applicant shall have no right to the hearing provided for in this section if the denial is based upon the governing body's refusal to concur but shall have a hearing before the governing body.

(c) This section applies to initial applications and renewal applications.

(d) The state shall have no responsibility for the action of the governing body.

Saint Paul Municipal Code

Licensure: Municipal Code §381

Municipal Code §381 governs the licensure of currency exchanges within the city of Saint Paul. This code adheres to the Minnesota Statute indicated above and further delineates the process of licensing and basis for approval or denial.

Sec. 381.02. Procedures; hearing; fee.

- (a) *Procedures.* Upon receipt of a completed application from the commissioner of commerce for a new license, the matter shall be referred to the department of safety and inspections for investigation of the application. Published notice shall be given of the receipt of the application, and notice shall also be given to the affected neighborhood groups, giving them fifteen (15) days to respond with any objections to issuance of the license. If no objections are received to the issuance of the license, the department of safety and inspections shall recommend issuance of the license to the commissioner of commerce. In the event objections are raised to the issuance of the license, the applicant is entitled to a hearing as set forth below.

The code then continues by outlining the process for a hearing, renewal licenses, and fee structure. The municipal code refers to the state statute to define currency exchanges.

Zoning: Municipal Code §65.512

The zoning code of the City of Saint Paul again refers to Minnesota state statute for the definition of currency exchanges. The zoning code places an additional stipulation on the establishment of currency exchanges by specifying the distance they may be located from residentially zoned properties, which is in addition to the state statute proximity restriction of ½ mile between currency exchanges.

Section 65.512. Currency Exchange.

Currency Exchange, as defined in Minnesota Statutes section 53A.01, means any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or travelers' checks for a fee. "Currency Exchange" does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed one dollar (\$1.00) or one (1) percent of the value of the check or draft, whichever is greater.

Standards and conditions:

The currency exchange business shall be located at least one hundred (100) feet from any lot in a residential district or lot occupied with a one-, two-, or multiple-family dwelling, measured from the closest point of the building in which the business is located to the closest residential property line.

Furthermore, currency exchanges are currently only permitted in zones B4, B5, I1 and I2 and are conditionally permitted in zone B3.

APPENDIX II

Minnesota Definitions of Types of Alternative Financial Establishments

As defined in Minnesota Statute:

§47.60 CONSUMER SMALL LOANS.

Subdivision 1. Definitions.

For purposes of this section, the terms defined have the meanings given them:

- (a) "Consumer small loan" is a loan transaction in which cash is advanced to a borrower for the borrower's own personal, family, or household purpose. A consumer small loan is a short-term, unsecured loan to be repaid in a single installment. The cash advance of a consumer small loan is equal to or less than \$350. A consumer small loan includes an indebtedness evidenced by but not limited to a promissory note or agreement to defer the presentation of a personal check for a fee.

As defined by the Minnesota Department of Commerce:

INDUSTRIAL LOAN & THRIFT COMPANIES

These Minnesota corporations are formed for the purpose of conducting the business of loaning money to people. These institutions also may apply for the right to issue thrift certificates for investment (similar to a deposit) upon application to determine reasonable demand for and probable volume of business to ensure solvency of the applying institution as well as already existing financial institutions in the area. Thrift certificates (deposits) must be insured by the FDIC to the extent of the insurance offered by that agency. See Minnesota Statutes, Chapter 53.

These companies are required to be licensed in Minnesota.

REGULATED LOAN COMPANIES

Regulated Loan Companies make consumer loans, up to \$100,000, and are frequently referred to as finance companies. See MS Chapter 56.001 to 56.26.

These companies are required to be licensed in Minnesota.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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To: Planning Commission
From: Comprehensive Planning Committee
Date: September 19, 2014
RE: Comments on Metropolitan Council's Draft Housing Policy Plan

Overview of the Housing Policy Plan

This is the first time since 1985 the Metropolitan Council has prepared a Housing Policy Plan. According to information they provided on the Plan's website, its purpose is to do the following:

- Advance and refine the Council's housing policy direction as defined in *Thrive MSP 2040*;
- Facilitate a meaningful, inclusive regional conversation on housing;
- Identify local and regional needs and priorities for housing;
- Promote housing options that give people in all life stages and of all economic means viable choices for safe, stable and affordable homes;
- Connect housing to the other Council system plans (e.g. Transportation, Regional Parks, and Water Resources);
- Incorporate recommendations from Choice, Place and Opportunity: An Equity Assessment of the Twin Cities Region;
- Provide a "toolkit" of best practices, strategies and technical assistance to local communities; and
- Help inform and provide guidance for local housing planning.

The City of Saint Paul had two representatives on the Plan's work group—former PED Director Cecile Bedor and former Housing Director Allen Carlson. Staff has been in contact with both of them to try to understand what issues they were trying to advance on the City's behalf during this process and what concerns they might have had during the course of the process.

The Plan is organized in five parts—

Part I: Housing for a Growing, Thriving Region – This section identifies the makeup of who lives in the region today and forecasts how that will and is likely to change between now and 2040. It then moves on to describing the regional housing stock and discusses, at length, some of the affordable housing challenges, and then suggests that by acting regionally, the Metropolitan area is

better positioned to tackle some of these larger issues than if individual communities acted in a vacuum.

Part II: Outcomes: Using our housing resources wisely to create a prosperous, equitable, and livable region for today and generations to come – This section is organized around the five desired outcomes identified in *Thrive MSP 2040*—stewardship, prosperity, equity, livability, and sustainability. Each of these outcomes has a series of goal statements and then identifies the roles for both the Metropolitan Council to take on and those for local units of government. This is followed by a discussion on principles that looks at the identified goals through the lenses of integration, collaboration, and accountability, which again identifies a series of actions for the Metropolitan Council.

Part III: Council Policies and Roles to Expand Viable Housing Options – This section discusses what the Council does today and how it expects to provide new and expanded roles in support of implementation of this plan.

Part IV: Opportunities for Impact – This section is the Council's future housing policy workplan.

Part V: Next Steps – This section identifies short-term and longer-term actions the Council is expecting to take.

The full policy document may be found online here:

<http://www.metrocouncil.org/Housing/Planning/Housing-Policy-Plan.aspx>

Comments on the Draft Housing Policy Plan

Suggested Plan Organizational Improvements

- The demographics provided in this report are very useful and provide keen insight as to what is expected to occur within the region. It would be useful if all of the demographic information were brought to the front of the report instead of being placed within subsections of the report. Specifically, the information presented in the Livability Section (p. 34) would be helpful to have while reading the earlier sections because it provides a good overview of the expected aging of the population and how that impacts housing choice.
- The Plan provides excellent information on affordable housing. In some instances it seems like too much information buried within disparate sections of the Plan. To make the plan more readable, consolidating that information into an appendix and making reference to it might make it more accessible.
- The Plan needs to use a consistent definition of affordable housing throughout the document; it seems to go back and forth between the general definition of housing affordability (30% of gross income) and affordable housing at a set income level (e.g. 50% of AMI).

Policies Supported by the City

- The strategy, “Incorporate Housing Performance Scores as a scoring element in the Regional Solicitation for Transportation Funding,” on p. 42 and p. 56, “Propose to the Transportation Advisory Board the inclusion of the Housing Performance Scores (existing and as updated in this plan) as a scoring element in the Regional Solicitation for Transportation Funding” are strong strategies with sound policy direction. In a similar vein, the “data-driven approach to measure[ing] progress” strategy to address “Accountability” on p. 47 is strongly supported.
- The document recommends that the Metropolitan Council (p. 50) move to a three tiered threshold of affordability (<30%; 30-50%, 50-80%) instead of one threshold (<60%) and establishing adjustment factors (p. 51) to measure need. Both of these policies are strongly supported.
- The discussion on Housing Performance Scores (pp. 53-54) illustrates a more nuanced way to calculate HPS, which should give communities more attainable and measurable ways to ascertain progress. In addition, there is an action identified on p. 54 that the Council will use the HPS as a funding application evaluation element. Both of these strategies are strongly supported.
- In Part III: Council Policies and Roles, beginning on p. 48, the City strongly support the concepts of the Metropolitan Council offering expanded technical assistance to local governments and, in particular, are strongly supportive of the Metropolitan Council acting as a “convener” to “elevate housing dialogue” (p. 60).

Suggested Policy Review or Reconsideration

- The stewardship section discusses “naturally occurring” affordable housing or unsubsidized affordable housing. For Saint Paul this type of housing is often found in areas of disinvestment—whether single-family homes or aging apartments. On p. 5, the Plan acknowledges that “many of these aging units have become more affordable but may not be viable.” Without direct subsidy of these properties (as is suggested in bullet points five and six of this section through tax abatement, fee waivers, local financing tools, reduced inspection fees, and home rehabilitation grants), any investment in them will decrease their level of affordability and then they are neither “naturally occurring” nor “unsubsidized.” The City suggests that the Plan examine this issue more deeply and provide recommendations that are tailored for single-family and multi-family housing to ensure that naturally-occurring affordable housing is adequate housing.
- Saint Paul supports working with developers to design high-quality projects. On p. 23, the recommendation is to do such, but the recommendation would be stronger if it were to recommend that cities review and adopt official controls to require high quality housing projects and neighborhoods.
- In Saint Paul, Concentrated Areas of Poverty (CAPs) and Racially Concentrated Areas of Poverty (RCAPs) are of critical concern. The City supports the Council’s efforts to bring this to

the forefront of its policy efforts. On p. 70, the Plan discusses the Council's role to "build wealth and expand investment in Areas of Concentrated Poverty." The first bullet point is to "work to mitigate [these areas] by better connecting their residents to opportunity and catalyzing neighborhood revitalization." There are no action steps identified. One key action that the Metropolitan Council should identify in this Plan is to convene the transit service providers to identify ways to connect affordable housing options in the CAPs and RCAPs to the jobs opportunities in the greater region. Regional transit service between the CAPs/RCAPs and the broader region is inadequate. Many of those living in CAPs/RCAPs are transit-dependent riders, yet to get to jobs outside of Saint Paul is often challenging or not possible. Additionally on p. 26, the Plan identifies a local role to "identify opportunities to improve links between existing housing clusters and job concentrations" and to "explore how to improve residents' ability to access jobs, services, and amenities without a personal vehicle." Again, a role for the Council is to identify mechanisms through public transit agencies to better serve areas where people who are transit dependent.

- On p. 33, it seems a role for the Council and/or local governments could be to provide improved education to landlords on how to rent to Section 8 voucher recipients.
- On p. 37, the discussion on placemaking assumes that transit-oriented development (TOD) projects are inherently mixed-income. As this is not necessarily the case, one of the Council's roles should be to advocate for mixed-income projects in TOD areas through the implementation of the LCDA-TOD and TBRA-TOD programs.
- On p. 35 the Plan speaks to "Plan Housing Choices for the Growing Senior Population." Earlier in the Plan it states that $\frac{3}{4}$ of net new households to 2040 will be headed by seniors age 65+. This is a startling statistic and a demographic reality that deserves more in-depth discussion of how the needs of these new households will be met and more robust roles for the Met. Council and local governments than those listed. There should be a more detailed discussion of the how the Met. Council and local governments can work toward providing a sufficient strategy for low- and moderate-income senior housing. A role for the Met. Council should be included in the Plan is to convene a group of regional providers of low- to moderate-income senior housing, local governments, and funders to discuss strategies for provision of this type of housing.
- Perhaps one of the most critical elements of the Draft Housing Policy Plan is the introduction of Part IV: Opportunities for impact where six items in the Metropolitan Council's future housing policy workplan are outlined. These are:
 1. Reduction of barriers to development of mixed-income housing;
 2. Exploration of inclusionary housing strategies;
 3. Assessment of feasibility of strategies to share risk;
 4. Shared regional strategies to affirmatively further fair housing and address housing discrimination; and
 5. Building wealth and expanding investment in Areas of Concentrated Poverty.
- These are excellent strategies and are strongly supported by the City. However, a critical missing piece is that there are no initiatives identified to lobby the federal government or state

government to assist in achieving this goal. While convening interested parties is important, real change must often come from policy makers in higher office.

Finally, the City is very supportive of Section V: Implementation and Next Steps, particularly the table identifying measures, baselines, and desired outcomes (pp. 75-76). However, while identifying and measuring indicators is very important, funding must follow in order for those goals to be achieved. As the Metropolitan Council is a significant funder, they must ensure that their funding guidelines and criteria align with the goals outlined in the measures and desired direction table.

Additional Housing Issues for Consideration

The following items are currently not addressed in the Plan, but roles for the Met. Council and local governments should be considered in the Plan:

- The implications of the Minnesota Homeless Youth Act and the issue of homeless youth;
- A discussion on provision of housing for ex-offenders; and
- Existing and future need for increased supportive housing.

Recommendation

The Comprehensive Planning Committee is recommending that Planning Commission provide these comments to the Mayor in order to submit the City's comments to Metropolitan Council staff by the Sept. 26, 2014 deadline.

city of saint paul
planning commission resolution
file number _____
date _____

Comments on the 2040 Housing Policy Plan

WHEREAS, the Metropolitan Council has released a draft of the *2040 Housing Policy Plan*, a set of policies to guide the development of the seven county Twin Cities metropolitan area's housing over the next 30 years; and

WHEREAS, the regional vision and policies of the *Housing Policy Plan* as well as the Metropolitan Council's other systems plans and *THRIVE MSP 2040* set the stage for state-required comprehensive plan updates for every city in the region, including Saint Paul; and

WHEREAS, the Metropolitan Council has asked for public comments on the draft *2040 Housing Policy Plan* document by September 26, 2014; and

WHEREAS, a City staff group has prepared draft comments for consideration by the Planning Commission; and

WHEREAS, the Comprehensive Planning Committee has reviewed and discussed the draft comments, and forwarded its recommendation to the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends the draft comments dated September 19, 2014, to the Mayor for his consideration in submitting comments from the City of Saint Paul to the Metropolitan Council regarding the *2040 Housing Policy Plan*.

moved by _____
seconded by _____
in favor _____
against _____

Transportation Committee Staff Report

Committee date: August 25, 2014 and September 8, 2014

Project Name	Draft 2040 Transportation Policy Plan City Comments
Geographic Scope	<i>Regional</i>
Ward(s)	<i>All</i>
District Council(s)	<i>All</i>
Project Description	<i>City Comments on the Regional Transportation Policy Plan http://www.metrocouncil.org/Transportation/Planning/Transportation-Policy-Plan/2040-Transportation-Policy-Plan/2040-TPP-Public-Comment-Draft.aspx</i>
Project Contact	<i>Michelle Beaulieu</i>
Contact email/phone	<i>Michelle.Beaulieu@ci.stpaul.mn.us / 651-266-6620</i>
Lead Agency/Department	<i>Met Council, comments through PED</i>
Purpose of Project/Plan	<i>City to provide comments on the regional Transportation plan</i>
Planning References	<i>Comp plan; City comments on THRIVE MSP 2040</i>
Project stage	<i>Planning, final document draft</i>
General Timeline	<i>Public comment deadline: October 1</i>
District Council position (if applicable)	<i>n/a</i>
Level of Committee Involvement	<i>Meeting 1: Advise Meeting 2: Recommend to Planning Commission</i>
Previous Committee action	<i>n/a</i>
Level of Public Involvement	<i>Public involvement through Met Council workshops and policy-makers working group</i>
Public Hearing	<i>September 17, 5pm</i>
Public Hearing Location	<i>Met Council chambers</i>
Primary Funding Source(s)	<i>Met Council</i>
Cost	<i>unknown</i>

PED Staff to fill in

Staff recommendation	<i>Recommend a set of City comments to the Planning Commission.</i>
Action item requested of the Committee	<i>Advise and recommend to Planning Commission (2 meetings).</i>
Committee recommendation	<i>Recommend that the Planning Commission recommends the draft comments to the Mayor for his consideration.</i>
Committee vote	<i>Unanimous</i>

Comments on the Draft 2040 Transportation Policy Plan—DRAFT 09/12/14

To: Metropolitan Council

From: City of Saint Paul

Overall Comments:

The Right Direction

The Draft 2040 TPP, like THRIVE MSP 2040, is organized around five outcomes (Stewardship, Prosperity, Equity, Livability, and Sustainability) with three guiding principles (Integration, Collaboration, and Accountability). The City of Saint Paul, as stated during the THRIVE review period, believes that these principles and outcomes represent the right direction for our region.

In particular, the City is pleased to see:

- Greater importance placed on coordinated transportation and land use/development planning, and need to coordinate with local communities.
- Emphasis on lack of available funding for all modes, and the need for additional investments (outside of maintenance of the existing infrastructure) to be focused and deliberate.
- Increased interest in evaluation of the existing systems.
- Desire for investments that will achieve more equitable outcomes for transportation investment.

While we agree with these policies, and are particularly encouraged to see that equity concerns are playing a larger role in policy discussions, the implementation of these policies does not reflect these goals. Increased investment in diverse transportation options in the core communities of Minneapolis and Saint Paul, as well as the first-ring suburbs, would take advantage of already dense communities and transit-oriented development patterns. It would be an efficient allocation of resources to provide benefits to the greatest number of residents and businesses, which are more densely concentrated in these communities. And it would focus investments in communities that are disproportionately affected by high transportation costs, high pedestrian fatality rates, and decades of divestment.

The Metropolitan Council is attempting to balance regional guidance with flexibility to local government autonomy; however, not enough effort is made to push local governments into thinking differently about their development patterns. Low-density development is clearly no longer a regional priority, and the transportation system needs to reflect and support that in communities where efforts are being made to move the region in the direction laid out by THRIVE MSP 2040.

Economic Development

The City of Saint Paul believes that the Met Council is the right agency to convene a conversation about regional economic development priorities. This conversation will require conversations with regional and local partners, and the Metropolitan Council has the standing in the region to lead this collaborative

effort. The emphasis on transit-oriented development in the Transportation Policy Plan is appropriate, but expectations of development densities should be strengthened in the language in the draft TPP.

UMN Professor Yingling Fan's research on Transit and Job Accessibility has shown that concentrating jobs around transit is a more effective strategy at enhancing transit accessibility for the region than concentrating housing around transit. However, consideration should be given to emphasizing job concentrations at proposed transitway station areas more heavily than residential density.

Higher densities of both residential and employment development should be expected in plans for station areas throughout the region. Transitways represent significant regional investments, and only through coordinated land-use planning can their potential benefits be fully realized. The Metropolitan Council should play a stronger role in bringing together seemingly disparate groups in an economic development strategy conversation that goes beyond real estate and marketing, to focus on key investments including those in transportation systems.

The high densities that are being recommended for Urban Core communities need to be supported by corresponding policies around TOD funding. Site assembly and brownfield development in the central cities are crucial to this success, and the Metropolitan Council should help support these density goals through policies designed to accommodate these needs.

Funding and Evaluation

The draft Transportation Policy Plan, like THRIVE, notes that there are insufficient financial resources available for transportation investments, particularly for transit and roadway maintenance. The document does not discuss potential new funding sources, or expansions to sources that already exist. The Transportation Policy Plan should include stronger language identifying the need for more funding from the state and federal governments. However, with the funding system from the federal government becoming less reliable with each bill that is passed by congress, local sources of transportation funding will be essential. The Metropolitan Council should be considering options utilized by other regions, and exploring their potential efficacy in the Twin Cities.

The City of Saint Paul applauds the emphasis on maintenance of our highway system in light of the shortage of funding, and the pivot towards transit investments. With the limited funding in all arenas, we agree that evaluation of our current system is essential to making sound investments in the future. This evaluation, however, needs to rely more on the changing priorities of the region and the needs of the shifting demographics of the region, than on status quo spending and past funding formulas. Historic spending rates should be of limited importance in making future decisions. Local communities should have input into the creation of these evaluation measures.

The Metropolitan Council collects a tremendous amount of data and has a large staff focused on demographics and travel behavior. The City of Saint Paul would like to see the Metropolitan Council recognize the shift in transportation behavior (with the plateauing of VMT/capita) and in household size (with projected growth in single person households), and use this information as a basis for projections.

Equity

THRIVE clearly lays out the importance of equity considerations in planning for our region, and the TPP picks that up in the goals laid out. However, the City believes that equity considerations are not strong enough in the specific implementation strategies. There is no conversation about regionally concentrated areas of poverty in the document, and little discussion of affordable housing. Concentrating investment in affordable housing along transit corridors helps lower the *Housing + Transportation Cost* total, leaving more income for other basics like food, clothing, child care, and health care, and provides more access to jobs throughout the region.

The equity conversation should also place importance on access for children, the elderly and the disability community. Senior housing and the changing travel patterns associated with an aging population should be further evaluated in the context of our transportation systems. Specific issues accommodating the aging population, such as increases in Metro Mobility (and similar) service costs and assuring that buses are more accessible, are not adequately addressed.

With the importance of equity recognized by the draft TPP, the City also believes that it will be important to come up with effective performance measures for the equity goals in particular. There are a number of agencies, both local and state, that are wrestling with how to effectively measure the progress towards equity goals, and the Met Council should use the information and best practices developed by others and be innovative in using these lessons to shape strategies.

Specific Comments by Chapter

Part I. Transportation for a Thriving Region

Objective B should read “Operate the regional transportation system to efficiently and cost-effectively ~~move~~ connect people and freight to destinations.” It’s a subtle, but important difference that alludes to the land use – transportation relationship. In other words, where you’re getting in a certain amount of time is more important than the mph speed. Also, that is consistent with the following goal of “Access to Destinations”.

Figure 1-5 does not accurately portray the Rush Line, which is under consideration not only for the I-35E corridor, but also an alignment roughly following Ramsey County RRA property farther east.

Part II. Implementing the Transportation Vision for the Twin Cities Region

A. Existing System

It is essential to understand the history of how transportation planning and choices have impacted our land development patterns. Part of the narrative that has been left out of the existing system section is the public subsidy that created “affordable, developable land” with the introduction of the automobiles. This includes the creation (not passive “introduction”) of freeways as well as our country’s mortgage

policies and subsidization of the automobile industry. The unsustainability of the freeway-building growth era should be expanded upon to create a more compelling argument for the sorts of land use decision-making that is being requested of communities across the region.

B. Transportation Strategies

Safety and Security

The single largest factor in the fatality rates of auto-pedestrian crashes is the speed at which the vehicle is traveling, and yet local municipalities lack the ability to lower speed limits on their local streets. The fatality rates of pedestrians in collisions with vehicles traveling 30mph, the speed limit for local streets in urban districts in Minnesota, is between 7 and 10 times higher than the rate of fatality when vehicles are traveling 20mph. The Met Council should work with the Cities, Counties and MnDOT, to allow lower speed limits on local streets without authorization from the commissioner of transportation.

Transitway Investment Prioritization

This section does a good job of laying out fair principles for prioritization of transitways, whatever the mode. Referring back to the adopted regional plan principles is better than pre-selecting modes or geographic priorities. There should, however, be the flexibility for the possibility that an individual transitway study may not select one of the modes listed. This section is only achievable through coordination with regional partners, particularly CTIB. The City encourages the Metropolitan Council to work closely towards transparency in the prioritization process.

C. Land Use and Local Planning

There is a call to move away from highway expansion projects toward operating and maintaining the existing highway system, developing the transitway network, and creating walk- and bike-able communities at higher residential densities. However, there is a disconnect between the emphasis on regional transitways and the creation of walkable and bikeable communities. Station area planning for transitways and high-frequency transit corridors should have higher density requirements, and this planning should recognize the value of having a mix of uses across station areas along a transitway corridor.

This chapter also requires local comprehensive plans to “Include a plan for local roadway systems to minimize short trips on the regional highway system (Part 2: Land Use, pg 131). As the City commented on THRIVE MSP 2040, the role of regional highways in the City is very different from that of such roadways in suburban or rural communities.

The City of Saint Paul is also very interested in improving the multi-modal access to regional parks and trails alike. Many of these regional resources in Saint Paul are poorly connected to the transit system, the sidewalk grid and to on-street bicycle facilities. The Metropolitan Council should invest in increasing access to regional parks and trails for all residents of the region.

Table C-2: Local Government Land Use Planning Coordinated with Regional Transit Investments

Communities in Urban, Suburban, Suburban Edge and Emerging Suburban Edge designated areas should have uniformly applied density minimums and targets. These minimums should be required, and should be higher than 20 units per acre. Highway BRT should be held to similar density standards as fixed or dedicated rights-of-way transitways.

Coordinating land-use around transitway investments should also be considered as average activity along a line. Every station area should have a minimum level of “activity,” but the full length of the corridor and the diversity of uses along various stations should be taken into consideration as well. Station areas that do not plan for the density of residential development outlined in the recommendations, but that have major job centers or other activity nodes, should be an accepted and encouraged strategy. UMN Professor Yingling Fan’s research on Transit and Job Accessibility has shown that concentrating jobs around transit is a more effective strategy at enhancing transit accessibility for the region than concentrating housing around transit. Consideration should be given to emphasizing job concentrations at proposed transitway station areas more heavily than residential density.

D. Transportation Finance

More emphasis should be placed on Local Governments being part of any solution or fix that might increase transportation funding. As can be seen from the pie chart on page 160, local transportation makes up one half of the regional spending between 2015 and 2040 at \$42B. Yet it is left to the locals to come up with \$33B of the \$42B through property taxes, assessments or other local fees. The Transportation Finance section of the TPP has local governments relying mainly on themselves to cover increased transportation costs by raising property taxes. Local governments need to absolutely be included in any increased revenue scenario attained through any policy or law changes.

On page 163 of the Plan under the ‘State Highways Increased Revenue Scenario’ section it states that “it will require significant funding increases and policy changes in order to meet the level of need.” It might be more meaningful for the plan to identify the policy changes and how the funding increases and policy changes will be pursued - if known or possible.

E. Highway Investment Direction and Plan

The definition of capacity improvement projects on existing highways should include projects that improve the capacity of existing urban roadway networks to function efficiently and handle future demands from the increased density forecast by the Metropolitan Council. For Saint Paul, this would include projects such as bringing an Ayd Mill Road connection to Interstate 94, and extending Pierce Butler Route to the east to connect with Interstate 35E.

Saint Paul supports focusing funding on operations and maintenance of the existing highway system and not on expanding the highway system, in both current and increased revenue scenarios.

F. Transit Investment Direction and Plan

Under current revenue plan, transit build out is limited. Through 2024, four METRO lines will be built out: the Orange Line (Minneapolis/Bloomington); Green Line extension (or Southwest LRT); Blue Line

extension (Bottineau LRT); and Gateway BRT. Four new arterial BRT lines will be built (proposed to be Snelling and West 7th in this plan; unofficially Penn Avenue and Chicago-Emerson/Fremont as numbers 3 and 4. With Ramsey County and the City of Saint Paul requesting to postpone West 7th due to the Riverview Corridor Transitway Study, that funding will be reallocated to the Chicago-Emerson/Fremont line. *This brings the total number of funded east metro projects to two with six in the west metro area.*

The City of Saint Paul believes that there needs to be more transit investment in the East Metro communities. The City is actively working with regional partners on transitway development planning. However, the City already has dense neighborhoods with high concentrations of transit-dependent individuals that are underserved by transit and that could benefit from potential economic development that are associated with increased transit development. Lower-cost investments improving existing transit service and amenities should be considered with high priority for neighborhoods such as these.

Questions of equity are of particular importance when designing the transit system. The City of Saint Paul believes that more work should be done studying demographics, transit ridership, and walkable urban communities, as a cohesive unit. The East Side of Saint Paul in particular is a neighborhood that should be re-examined for an increase in local transit options. Transitways that serve dense communities with high transit ridership should be prioritized by the Metropolitan Council.

These demands can only be adequately met through concerted efforts towards a collaborative planning process, involving all regional partners. Local communities should be deeply involved in the planning and design of transitway investments, and in the prioritization of projects.

G. Bicycle and Pedestrian Investment Direction and Plan

The Transportation Policy Plan states that the “primary purpose of the regional trail system is to serve recreational needs” though there is a growing recognition of the importance of regional trail corridors to the bicycle transportation network. This is essential, and the City of Saint Paul is interested in working with the Metropolitan Council on identifying potential regionally important trails that can augment the existing trail system and improve access to destinations for the residents of the region.

Barriers to bicycle planning are essential considerations, and while rivers, freeways and rail corridors are addressed, arterial roadways often pose significant challenges to cross and should be considered barriers as well.

Safe Routes to School is a successful program that often lacks funding and buy-in from school districts. The Metropolitan Council should help local communities coordinate and utilize best practices at their schools.

This section includes very little content about pedestrians or increasing pedestrian mode share, which is the only free form of transportation. On page 259, paragraph 4, line 6, *arterials* should be added as a physical travel barrier. This section should also include strategies to build new development in areas where car ownership is very low, by analyzing where auto ownership is not linked to income and to focus development in these areas. There should be investment in areas where people do not need cars.

While the City of Saint Paul appreciates the recognition that local communities are often in the best position to do pedestrian-level planning, the Metropolitan Council should do more to support these planning efforts and provide resources for the development of walkable urban areas.

H. Freight Investment Direction

p 275, par 1, line 5 "...and businesses are ~~would not be~~ able to distribute their products to customers and ~~or~~ receive shipments needed to manufacture items."

Regarding freight terminals and adjacent land uses (p278), Saint Paul's West Midway area includes the BNSF Intermodal Yard and residential uses in the St. Anthony Park neighborhood and it is important to maintain this significant freight yard in Saint Paul. On page 279 it is important to note MnDOT's role in highway connector and interchange improvements as well. There are vital improvements needed to the freight system, specifically in the West Midway and BNSF intermodal yard area with connections to Highway 280 and Interstate 94. Resources that Met Council can provide for these types of improvements would be welcome.

On page 281 regarding funding for strategic capacity improvements, we feel that the highway investment plan improvements that provide access to job centers and/or freight terminals *should* rather than *may* be considered for potential investment.

Overall, the City agrees that Council support of cooperative planning and applications for federal and state funding related to freight modal projects is necessary for the future growth and economic development of the region.

I. Aviation Investment Direction and Plan

This section should mention the review of MnDOT statutes. On page 297 paragraphs 2 and 3 need clarification.

Appendices

Appendix G, Bus Stop Shelters (pg 94)

The standard for placing bus shelters is based in part on high numbers of total passenger boardings, with 40 or more boardings per day in Minneapolis and Saint Paul deemed to be the cut-off, and 25 or more per day in suburban communities. This disparity is in direct violation of THRIVE MSP 2040's Equity principles. These numbers should be examined, and a single standard should be applied across all communities in the Metro Transit service area.

city of saint paul
planning commission resolution
file number _____
date _____

Comments on the 2040 Transportation Policy Plan

WHEREAS, the Metropolitan Council has released a draft of the *2040 Transportation Policy Plan*, a set of policies to guide the development of the seven county Twin Cities metropolitan area's transportation system over the next 30 years; and

WHEREAS, the regional vision and policies of the *Transportation Policy Plan* as well as the Metropolitan Council's other systems plans and *THRIVE MSP 2040* set the stage for state-required comprehensive plan updates for every city in the region, including Saint Paul; and

WHEREAS, the Metropolitan Council has asked for public comments on the draft *2040 Transportation Policy Plan* document by October 1, 2014; and

WHEREAS, an interdepartmental City staff group has prepared draft comments for consideration by the Planning Commission; and

WHEREAS, the Transportation Committee has reviewed and discussed the draft comments, and forwarded its recommendation to the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends the draft comments dated September 12, 2014, to the Mayor for his consideration in submitting comments from the City of Saint Paul to the Metropolitan Council regarding the *2040 Transportation Policy Plan*.

moved by _____
seconded by _____
in favor _____
against _____